



Alicia Day,
Recreation Director

**CITY OF FITCHBURG
RECREATION DEPARTMENT**

31 Broad Street, 2nd Floor
Fitchburg, MA 01420
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Board Members:

Jon Ricciutti – Chairman
James McGrath – Vice Chair
Andy Roy
Mary Whitney
Dave Madigan

**Board of Park Commissioner
Special Meeting: Landry Arena
Wednesday, January 21, 2015**

Call to Order:

The January 21, 2015 meeting was called to order at 5:30p by Chairman Jon Ricciutti.

Commission Member Present:

Chairman Jon Ricciutti, Vice Chair James McGrath, Mary Whitney, Andy Roy, and Dave Madigan.

Others Present:

Councilor Angelo Bisol, Councilor Joel Kaddy, and Michael Hartwell (Sentinel)

Pledge of Allegiance:

Led by Andy Roy

Minutes of the Meeting:

Jon Ricciutti: This meeting is meant to craft a letter to send to the mayor. We will develop terms and conditions and to reply to the Mayors' statement that we do not know what we want in reference to the Landry Arena. The Parks Board had suggested a feasibility study and she has not acted in this matter, as of yet, which is what has delayed this process.

Andy Roy: *See attached letter from Mayor Lisa Wong.*

Jon Ricciutti: We sent a certified letter to President Antonucci and did not hear back. The sentinel was talked to, but not the Parks Board. Therefore, the university does not want to work with us, and the mayor does not want to work with us.

James McGrath: Under Mass general law the Board of Park Commissioners has the right to decide what happens to parks land, not the Mayor. Also the original lease states that the Landry was purposed for ice skating and to be open to the public. Both of these are being denied, so this where we should start discussions.

Andy Roy: We need to sit down and meet. We want at least five weeks of skating, they don't want to hear it, and so they don't want to meet with us. We give a list, they don't like it. Is this right?

Mary Whitney: If we have the right through Mass general law; we would have had to agree with this lease and we never Okayed this. The point is not that the lease is legal or illegal; it is that we have the right to decide on this land.

Jon Ricciutti: How do we legally tell Fitchburg State University to cease and desist, because the city solicitor will not do anything. What other entities do we have to force the issue?

Mary Whitney: We can petition the city council.

Councilor Joel Kaddy: You can't prove a conversation; you can prove a written letter. Ask the solicitor in writing. I believe that you need to not back down and take this to a judge as soon as possible. The college will do what is right for them and if no one will stop them, they will just move forward.

Jon Ricciutti: How do we get this to the court?

Councilor Joel Kaddy: Send a letter to John Barrett, ask him in public about the issue, or take it to the district court.

James McGrath: He did send a letter to the Attorney General and they will not get involved because it is a local dispute.

Mary Whitney: We can take the solicitor before the bar?

Angelo Bisol: Because the college is listening to DCAM. They feel that if they enter into negotiations with the Parks Board then it looks as though they are saying that what they are doing is incorrect. Lawyers on both sides can make an opinion, but a judge will make a final decision. We need to file before the seven year limitation is up. When we go to the court we are just going on file saying that we feel there is an issue here. We have a legality that needs to be clarified and a judge can do that. No trial is needed, just present both side and let the judgment be made. We should be focusing on developing partnerships. I don't know how we will be able to get to the table because both sides feel that they are right, so we just need to know the legality of it. Get this over with and move on.

Dave Madigan: Do we start now with a letter to the solicitor and then go to the court house without waiting for a response?

Jon Ricciutti: Do we need to let the Mayor or the solicitor know what we are doing?

James McGrath: I say we do both. We had conversations with the mayor to request the feasibility study to see what the needs actually are. That has not happened. It was never intended for the building to be given to anyone private. In the past this land could not be used for the city to build a high school because it went against the Landry wishes.

Mary Whitney: The letter should be sent to the city solicitor, John Barrett, which states that we want a cease and desist order sent to Fitchburg State University. If he does not answer then we need to take that next step, by taking it to the judge.

Dave Madigan: How long do we wait?

Mary Whitney: One week.

Councilor Joel Kaddy: Get on the docket for the special meeting next week for the City Council and bring it to them and let them know what you intend to do in a public forum.

Dave Madigan: Do we put up signs that say no trespassing per the park commissioners and lock the doors? Let the city solicitor know and the police dept. But we don't want to do that. I get that they signed the lease, but if a tenant does something without approval. Send a letter to the city solicitor with an addendum that we will put up no trespassing signs.

James McGrath: The plan in the paper today says the University has a bid request out. We'll send President Antonucci a cease and desist until a judge can rule on it.

There should be a part of the letter that states that any damage they have done previously or will do will have to be paid back, because they are damaging city property.

Jon Ricciutti: The letter will be send to the City Solicitor, John Barrett and carbon copied to Mayor Lisa Wong.

"We met and the Board agreed that we want to clear up the Landry issue and at the moment because of all of the illegality, we request that you John Barrett order a cease and desist under you legal opinion that stated on July, 10, 2014. Once this happens we will be putting up no trespassing signs. We will also be going to Fitchburg district court to obtain a legal ruling.

Mike Nelson: I wanted to introduce a few people. First, Darlene Westland, Carmelita Landry's daughter.

Darlene Westland (Carmelita Landry's daughter): My mother was one of the best speed skaters in the 40's; she wasn't able to go to the Olympics due to the war breaking out. Mr. Wallace called my mother and wanted to create a second arena and name it after her in 1971. My mother was a wonderful skater and a wonderful person and this is sad that this is happening to her memory.

Mary Whitney: Please make sure all of your letters, photos, and memorabilia are sent to the Fitchburg historical society.

Darlene Westland: Her trophies are at the speed skating hall of fame.

Mark Barriby: Speaking for the Leominster Girls High School Coop team. We are in Gardner at the reduced schedule. Our program is in danger of folding due to the lack of access. Our over 30 men's league has gone down from 16 teams to 8 teams. One hour was \$220 at the Landry Arena, now since Gardner is the only place to get ice time one hour equals \$280.

Dave Thibodeau: *See attached letter.*

Bill Alleva: We haven't had bye-weeks in 30 years and that's all we can do. The bud-light old knights (40 year old hockey tournament) in March had 600 players. These players and fans stay in the area and

spend money in the city. We've lost that tournament to Tyngsboro this year. This is a huge economic loss for the city.

Mike Nelson: Six tournaments have been pushed out just this year.

Mark Cook: We are down to two games for the entire high school year. FMC is playing games and they are pushing business to the other place.

Darlene Westland: George Wallace spent one million dollars on the Landry Arena.

Mike Nelson: Speaking on behalf of Eric Short. *See attached letter.*

James Brooks: *See attached letter from Steve Lowney.* My opinion is that we cannot get ice time. It is a hardship, the time has shrunk by 10 minutes and it is hard to get the both schools there at the same time.

Bill Alleva: At one time any money collected was to go to the maintenance of the building, so where is the money for the student parking going?

Andy Roy: This is our building; we cannot forget that and the parks own the land that it is on.

James Brooks: It is only a matter of time until the only people allowed in will be with a FSU student ID card.

Darlene Westland: My mother was allowed to go and skate anytime she wanted. She wouldn't be allowed to today.

Marc Berube: Please put a seven day time limit on the letter, otherwise it'll just get dragged out.

Mike Nelson: Save the Landry are willing to go to court for this. We feel that this is the City's fight, but we will get involved if nothing happens.

Next step:

Letter sent to John Barrett requesting him to issue a cease and desist letter to Fitchburg State University, DCAM, and FMC. This request letter will be carbon copied to Mayor Lisa Wong.

Letter:

John Barrett,

The park commissioners met on January 21, 2015 and we heard testimony from the public on this matter and have agreed that we want to clear up the Landry issue. Because of the testimony we feel that there is a need to clear up the legality and we petition that you, John Barrett, order a cease and desist order to be issued to FSU, DCAM, and FMC under your legal opinion that you stated at city council on July, 10, 2014, immediately.

We would like the opportunity to negotiate with FSU, DCAM, and FMC because the park board supports a multi-use facility with ice skating that will be open to the public.

We want to be notified within seven days on your action on this request. We also will be going to Fitchburg district court to start the process to obtain a legal ruling by a judge.

Sincerely,

Jon Ricciutti, Chairman

- Copies go to Parks Board, Mayor, and to City Council. Original goes to John Barrett.

Motion to adjourn by James McGrath and seconded by Jon Ricciutti. Chairman Ricciutti and Vice Chair McGrath will stay with the Recreation Director to craft the letter. Motion 5-0



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Board of Park Commissioners
January 21st, 2015
5:30PM
Memorial School Cafeteria
615 Rollstone Street
Fitchburg, MA 01420

Special Meeting: Landry Arena Discussion

Sign-in Sheet

Name	Organization Representing	Contact	Phone # Email	Car
David Thibodeau	Wednesday night Hockey League			
Marc Benabe	Leominster 1st D Girls VARS.			
	Thursday night Hockey League			
Bill Allera	Monday Night Hockey			
	Bud light Old Knights			
Angelo Bissol	WARDS Councilor			
MARK L. COOK	Monday Night 1111	978-61		
James Brooks	Fitchburg H.S./Monty Tech	978		
Mike Nelson	SLAA USSL Glafs 97			
Darlene Westlund	Carmelita Lundry Bernard's daughter			



Good Evening Parks Department

Closing the Landry Arena has already created great hardship for user groups, in this case the high schools. The Fitchburg/Monty Tech program has seen the amount of practice time decrease tremendously because a lack of available ice time. Practice time has reached a dangerously low level for us this year already and the practices we do have been cut to 50 minutes. This despite the fact that teams like North Middlesex and Lunenburg HS have graciously moved many of their practices to other facilities under less than ideal terms. Further, despite already having reduced practice time we have been forced over to Gardner on several occasions. Which is certainly ok with FMC the management group that runs the WCC, because they run Veterans Arena as well.

The issue of closing the Landry, however is so much more than just practice time. It is about FSU's refusal to respect the needs of the community. There should be a give and take when it comes to the relationship between the University and the community, and they have proven it is far from that. For the university it is all take. The one instance they have an opportunity to do right by the Fitchburg community and the surrounding community, they turned their backs.

Finally, another issue is the disingenuous manner in which the University and FSU staged this takeover. For many years they have purposely allowed the Landry to fall under disrepair. Further, FSU and FMC have claimed the Landry is losing money and not viable. Interestingly enough new arenas are being opened all over central Mass and existing ones are prospering. It is common knowledge among user groups that over the last half-dozen or so years FMC has refused to sit with many potential new user groups (Central Mass Outlaws is on record) that would have infused the monies necessary to keep the Landry open and prospering.

How long before the FSU Falcon Hockey program decides it does not want to practice at 2:00pm and want their old time back, further creating hardship? How long before there is a club team or woman's team. Ultimately how long before the only ones using the facility have an FSU student ID card? Anyone of these scenarios could prove to be the death blow to local HS hockey. The decision to close the Landry is not only a slap in the face to its user groups but also to our community and the greater Fitchburg Community trumped only by the disingenuous manner in which they reached the decision.

Steve Lowney

Head Coach

Fitchburg/Monty Tech Hockey

Good evening members of the Park board,

January 21, 2015

The Fitchburg Wednesday night hockey league which had been in existence for over 20 years has now been disbanded due to the Landry arena being closed. Factors that lead to this decision of players to not come back included: uncertainty of the ice time and availability of ice. Of the 66 or so players in this league over half have gone to play in leagues in other towns where ice time is available at reasonable hours. Another quarter of these players were forced to go to other leagues at the Fitchburg civic center and the last quarter has stopped playing.

The men's leagues that do remain at the civic center have been forced to either only have 2 games per night, which means when you have 6 teams, 2 teams of those teams consisting of a total of 22 players do not get to play on a given week or your alternative to have 3 games is to play one of the games for that evening starting at 10:40. If you do the math it takes an hour to play a game and then roughly 30 minutes to undress shower and leave. Throw in commute time and people get home between 12:30am and 1:00am. For those who have to work the next day, getting up at 5am or 6am is not optimal.

The men and woman who play hockey at these facilities are hardworking tax paying members of this community and deserve a place to exercise, relax and enjoy some comradery at reasonable hours. When the leagues were approached and told that the Landry was in jeopardy of closing, we rose to the occasion and put forth offerings of helping to repair the facility by many of our tradesman, others went out and found people and groups to commit to rent set hours of ice to bring in revenue and we all agreed to a slight hourly rate increase to cover ongoing expenses, all the time knowing that our tax dollars were already supporting the city and the college. These offers apparently have fallen on deaf ears at Fitchburg State University.

Thank you

David Thibodeau

Wednesday Night Men's Hockey League Representative

The Friday Night league started in September 1990 as an over 30 men's league. Have been a participant for over 25 years myself, and have had direct responsibility for the last 15. The league went from 30 sheets a year, from September to April, down to 18 sheets during that same time period after FSU took over. They were able to maintain two rinks and enough user groups to reduce the Friday night league to 18 hours of ice. There was also several tournaments run through both rinks throughout the year.

Before the college took over, both rinks functioned normal, while not being the most up to date, both rinks were maintained and functioned properly. After the College took over the facility and the funding, they gutted the Wallace and used all funds earmarked for the Wallace, Landry and planetarium for the sole purpose of making the Wallace Arena look like its own FSU Home rink. None of the funds were used to update the Landry nor the planetarium.

FSU went out there way to let the Landry Arena deteriorate, with out doing the minimum of maintenance, so they would be able to close the rink due to the deterioration. FSU stated that they needed to close the rink. FSU has turned away user groups that were interested in purchasing Ice time, so they would be able to Justify its losses. All so they would be able to turn the Landry into an alternate facility for the benefit of the college.

These antics have cost the Friday night league players because we were forced to change our ice times from 7:40.8:50 & 10:00PM to 8:30, 9:40 and 10:50PM during December-February. This makes it hard for players who have children, that play in youth hockey organizations. These players children must now get up earlier and travel to other Arenas due the lack of Ice time availability in the either the Wallace or Landry facilities which were originally built for their use.

It is time the city stands up to FSU. The city must hold them accountable to the lease, instead of let them disrespect the city and doing whatever they please.

Sam Phillips
The Friday Night League



Tue, Jan 20, 2015 at 9:07 PM

Dear Mayor Wong,

I am sending you this email on behalf of the Save the Landry Association. Mr Riccutti wanted us to clarify to you in writing what we are looking for in regards to the Landry Arena. The answer to this question is very clear and has been stated by our group numerous times including recently at the Park Board meeting of which you were in attendance. **We want the City of Fitchburg to fight for a multi-use facility that will be open for ice skating 3 months (Dec-Feb) out of the year.** The remaining 9 months FSU can take down the boards and convert the facility into an indoor recreational facility for their students. Groton School and Lawrence Academy both do this with their ice arenas. Keeping Landry Arena operational as a skating rink for 10-12 weeks will solve most of the community problems and will honor the intent of George R. Wallace. It will also allow FSU to use student funding to move forward with needed renovations. FSU students are on winter break for 5+ weeks during the time that Landry will be used as an ice skating arena so we feel that that this compromise is more than fair to both FSU and the community. If FSU is not willing to consider this option than we feel strongly that the City of Fitchburg needs to move forward with legal actions and put all of this in front of a judge to decide. They will argue that one rink is now "successful" as stated recently in the Sentinel and Enterprise. The community will argue that cancelling all adult league tournaments that bring thousands of dollars in revenue to the city, local high school teams practicing regularly in Gardner and Groton, adult leagues folding after 30+ years, and all practice times except FSU reduced to 50 minutes max is not successful. George R. Wallace added the Landry arena because one rink was not enough to support the community. This has not changed in 40+ years and will only get much worse as hockey continues to grow and FSU adds a women's and/or club program. It is clear that FSU plans to move forward with their original plan of removing the ice arena until someone stops them. It's time for our City of Fitchburg leaders to take a real stance in this matter and not let a valuable community asset slip away.

Sincerely,

Eric Short
Save the Landry Association



Dear Parks Board,

I first want to thank all of you for your continued support in this long fight to keep this much needed and loved asset as part of our community. Without your dedication the Landry would probably already be transformed.

I am writing this letter to formally express the major concerns Lunenburg High School has if FSU moves forward with its plan to eliminate skating at Landry Arena. This year we were one of the more fortunate programs with the downsizing to one arena at the Wallace Civic Center. This year we were able to secure ice for most of the dates we needed for practices as well as games. This was possible not because of the "successful" transition to one arena as stated recently by FSU, but because our program was able to secure 30% of our practice ice and JV game ice in Groton and Gardner but also due to several other reasons that we have little control over moving forward.

The first contributing factor out of our control is that North Middlesex Regional High School moved all of their practices to Groton School. They sacrificed their own program and took 30-35min practices to guarantee they had ice each day and to help the other programs at WCC secure ice. Moving forward they may decide that this is not working for their program and request ice at the WCC.

The second reason we were able to secure ice each day was because Groton School allowed us to rent ice before school if needed. Their facility does not have showers, so this is not the ideal place to play before school but it's better than not practicing at all. Lunenburg is combined with Ayer-Shirley for ice hockey so practicing before school at the WCC is not a realistic option because of travel distance and school start times. Groton School has no available ice after school and is not open to new programs skating at their facility. They were open to helping Lunenburg and NMRHS because both schools belong to communities that border Groton and are close to the facility. Groton School was told by both FSU last year that we would only need ice for one year because of renovations to Landry. Before our conversations with the school they did not plan on us coming back next season. Both my staff and the NMRHS staff were shocked that FSU would mislead Groton School knowing that their plan was to shut down the Landry Ice Arena permanently. With this said it is not a guarantee that either school will have practice ice at Groton School in the future.

The third factor out of our control that would drastically affect our current ice schedule is the FSU hockey practice schedule. FSU is currently practicing at 6:15am or 2:00pm. Both of these slots are not possible for any high school or youth program. These start times were set by FSU & FMC to help the one rink schedule but are not ideal for the FSU hockey program. If FSU was to go back to their original start time of 3:30 at any point this would take one or possibly even two more hours away from the high school or youth programs.

The final concern which has been mentioned several times by the Save the Landry Association is what will happen when FSU adds a women's ice hockey program? It is irresponsible for FSU and the community not to discuss how this would impact current users. It's easy for FSU to say "at this point we are not planning on adding a program", but what happens when they do? With the Landry gone and another FSU ice hockey team added the WCC would basically be shut down to the community for regular scheduled practices and games. Cushing Academy is a perfect example of a one rink facility that has very little ice to offer during the school week because they have more than one team that needs practice and game ice each day.

In closing, I would like to comment on the recent press release from FSU that states "the current one arena schedule has been successful." Forcing local high school programs to travel to Gardner, Groton, and Tyngsborough for practices and JV games is not successful. Destroying adult leagues that have been in existence for 30+ years is not successful. Eliminating all adult tournaments that bring thousands of dollars of needed revenue into the city is not successful. Taking away another valuable community resource with the clear statement that the replacement will be used not equally with the community is not successful. The Mayor, City Council, Parks Board, and anyone else in the city that can help need to step in at this point and fight to stop FSU from closing this arena. If FSU is truly unwilling to discuss a multi-use facility that will leave ice time available to the community for 3 months of the year, then I firmly believe that the next step for the City of Fitchburg should be to put everything in front of a judge to determine who has rightful control over the facility. It's time for the City of Fitchburg to start fighting back before it's too late.

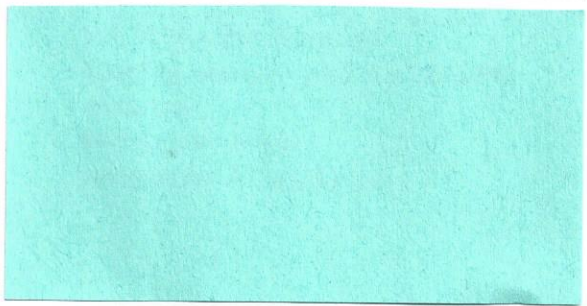
Best regards,

Eric Short

Head Ice Hockey Coach Lunenburg High School
Twin City Youth Hockey Mites Director

Alicia Day

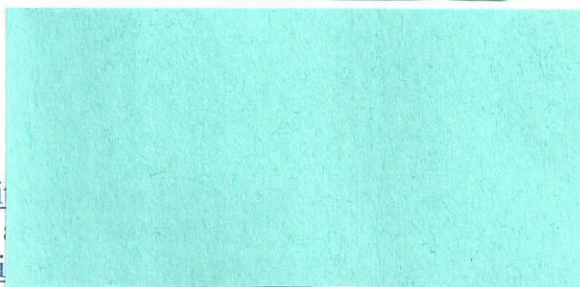
From:
Sent:
To:
Subject:
Attachments:



Sent from my iPad

Begin forwarded message:

From: Angelo Bisol <fi
Date: January 13, 2015
To: Jon Riccutti Em <bi
Subject: Fwd: Landry Arena



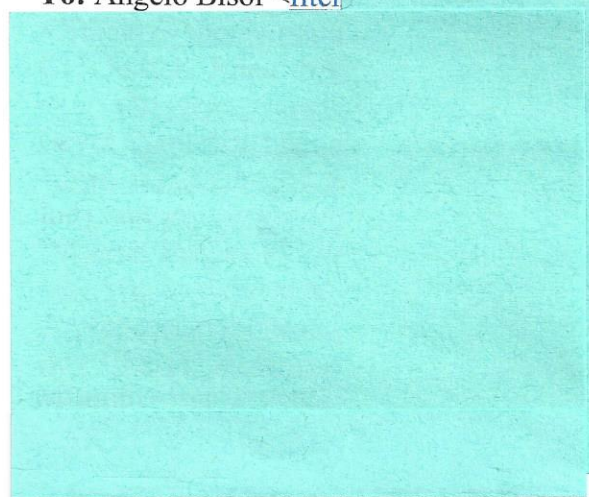
l@gmail.com>

Can you please email the Mayor what you want and send a copy to the council. It would appear that the Mayor doesn't know what you want. The first thing is for the college to stop what their doing and talk to us. Not hard to understand.

Sent from my iPhone

Begin forwarded message:

From: "Wong, Lisa" <
Date: January 13, 2015
To: Angelo Bisol <fitch



Subject: RE: Landry Arena

Dear Councilor Bisol,

The city does not have any plans to take back the property, however we would

like to agree on what the city wants so that we can clear up any issues related to that. I am willing to work on renegotiating the lease or to working out issues with the current tenant, however in order to do so, the city needs to know specifically what it wants to achieve, something that has been very difficult to ascertain. I don't believe a judge is the right person to tell us what is legal until one actually files something with the courts (are people in favor of suing and towards what end?).

Right now we have two questions : is what FSU doing legal and do we like what they are doing?

If the answer is yes and yes, then we have no issue.

If the answer is yes and no, then we try to open up lines of communication with FSU to see if they will accommodate us.

If the answer is no and yes, then we can renegotiate the lease to support what we both already want.

If the answer is no and no, then we should seek legal action to stop FSU from doing what we don't want and to see if they will consider what we want.

Please note, that both questions are related to one another. Our desired actions are based on answering both questions. I would like the Parks Board to take the lead on what the city wants from a parks and recreation standpoint. If that does not happen, then it is very difficult to proceed.

A third question is to discuss the city's own liability if we were to be in control of the building and responsible for the physical plant and operations.

It is also worth noting that DCAMM disagrees with John Barrett's opinion and we will meet to discuss with them. Our lawyer believes there is a defect in the title but that may not necessarily be leverage to yield the results we want, whatever that may be.

Please feel free to pass along any thoughts in an individual email to me to avoid any open meeting issues, or to contact me with any questions.

Regards,

Lisa Wong

From: Angelo Bisol [<mailto:fitchburgward5@gmail.com>]

Sent: Saturday, January 10, 2015 9:09 PM

To: Mayor

Cc: Farrell, Anna; Amy Green; Angelo Bisol; David Clark; Dean Tran; Jeffrey A. Bean; Jody Joseph; Joel Kaddy; Marcus DiNatale; Michael Kushmerek; Paul Beauchemin; Steve Hay; Andy Roy; Dave Madigan; JIM McGrath; Jon Riccutti
Em; MARY Whitney; Stephen DiNatale
Subject: Landry Arena

Dear Mayor Wong,

I am writing to you to find out what is the City's plan to take action in regards to the Landry Arena.

On July 10 2014 our city solicitor gave his opinion that the Landry Arena was under the control of the Parks Board.

On July 16 2014 you sent a letter to the college stating you wanted to coordinate a response from the city.

On August 26 2014 we were invited to tour the Civic Center Facility.

On September 5 2014 we received an Email from Councilor President Hay saying he had received communication from the Mayor asking the city councilors what they wanted to do.

On September 16 2014 Councilor President Hay said the Council wanted to wait to see who was in control of the site before they made a determination.

On September 16 2014 The Mayor said she would craft a response telling the college what we are looking for.

On November 7 2014 the City received an email from the Attorney General saying they would not be able to give a second opinion because it was not a State matter. The City Solicitor's opinion stands.

In December 2014 the University posted an ad in the paper looking for bids to

renovate the Landry Arena.

The Mayor met with the Parks Board in executive session a couple of times last year. On January 6 2015 the Parks Board agreed to send the college a letter asking them not to remove or take any action on the Landry arena until they meet with them. A registered letter was sent to the College by the Park's Board on Wednesday.

On January 9 2015 the College had an article in the paper saying they were going ahead with the project. They said that DCAM said they had the right to do so. Our City Solicitor's Opinion meant nothing to them. The Fitchburg City Council's request to see who was in control of the arena is not even being considered. Our own Parks Board authority under MGL Chapter 45 is under question.

I understand that there is a great concern: "what will the City of Fitchburg do if the college gave the building back". I know the financial situation of our City as much as everyone else. This is not about taking the buildings back, it's about asking that the city seek the truth in this matter. I believe as a city we can live with a court ruling. One thing our city cannot live with is having this facility gutted and changed without coming to the conclusion as to what is legal. The truth is something we all can live with. Let's start 2015 by putting this issue to rest. I'm asking that we all work together to come to a final conclusion.

Thank-you

Angelo Bisol

Ward 5 City Councilor